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NOTICE OF ALLOWANCE AND FEE(S) DUE

20028

7590

11/02/2009

Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468 EXAMINER

SWIGER III, JAMES L

ART UNIT PAPER NUMBER

3775 DATE MAILED: 11/02/2009

APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/731.284	12/09/2003	Markus Nesper	HOE-790	4912	

TITLE OF INVENTION: IMPLANT FOR FIXING ADJACENT BONE PLATES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/02/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where

appropriate. All further indicated unless correcte maintenance fee notificat	correspondence includired below or directed other	ng the Patent, advance of nerwise in Block 1, by (orders and notification of r a) specifying a new corres	naintenance fees waspondence address;	ill be and/o	mailed to the current of (b) indicating a separate	correspondence address as rate "FEE ADDRESS" for	
CURRENT CORRESPONDE	Feet pape	Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.						
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							(Depositor's name)	
							(Signature)	
							(Date)	
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTC	RNEY DOCKET NO.	CONFIRMATION NO.	
10/731,284	12/09/2003	•	Markus Nesper			HOE-790	4912	
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nonprovisional	NO	\$1510	\$300	\$0		\$1810	02/02/2010	
EXAM	INER	ART UNIT	CLASS-SUBCLASS]				
SWIGER III	I, JAMES L	3775	606-297000	J				
1. Change of corresponde	ence address or indication	n of "Fee Address" (37	2. For printing on the p	atent front page, lis	t			
CFR 1.363). Change of correspond	ondence address (or Cha	nge of Correspondence	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to					
_	ondence address (or Cha 3/122) attached.							
"Fee Address" indi PTO/SB/47; Rev 03-0 Number is required.	ication (or "Fee Address' 2 or more recent) attach	" Indication form ed. Use of a Customer						
3. ASSIGNEE NAME A	ND RESIDENCE DATA	A TO BE PRINTED ON	THE PATENT (print or type	pe)				
PLEASE NOTE: Unl recordation as set forth	ess an assignee is ident h in 37 CFR 3.11. Comp	ified below, no assignee pletion of this form is NO	data will appear on the p or a substitute for filing an	atent. If an assigne assignment.	ee is io	dentified below, the do	cument has been filed for	
(A) NAME OF ASSIG	•		(B) RESIDENCE: (CITY	ě .	OUN	TRY)		
				Dia			. 🗅 .	
Please check the appropri	iate assignee category or	categories (will not be p	rinted on the patent):	Individual 🖵 Co	rporat	ion or other private gro	up entity Government	
4a. The following fee(s) a	are submitted:	4	b. Payment of Fee(s): (Plea	se first reapply ar	ıy prev	viously paid issue fee s	hown above)	
Issue Fee	To small entity discount p	normittad)	☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached.					
	# of Copies		☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any					
			overpayment, to Depo	sit Account Numbe	er	(enclose an	extra copy of this form).	
• •	s SMALL ENTITY statu	is. See 37 CFR 1.27.	☐ b. Applicant is no lon				·-··	
NOTE: The Issue Fee and interest as shown by the r	d Publication Fee (if requeecords of the United Sta	uired) will not be accepte tes Patent and Trademark	ed from anyone other than t k Office.	he applicant; a regi	stered	attorney or agent; or the	e assignee or other party in	
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Authorized Signature								
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an application. Confident submitting the completed this form and/or suggesti	tiality is governed by 35 I application form to the ons for reducing this bu	U.S.C. 122 and 37 CFR USPTO. Time will vary rden. should be sent to th	on is required to obtain or r 1.14. This collection is est y depending upon the indiv ne Chief Information Office COMPLETED FORMS TO	timated to take 12 r vidual case. Any co er. U.S. Patent and	ninute: mmen Trader	s to complete, including ts on the amount of tin nark Office. U.S. Depa	g gathering, preparing, and ne you require to complete rtment of Commerce, P.O.	

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10/731,284		12/09/2003	Markus Nesper	HOE-790 4912		
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Lipsitz & McAl	lister, l	LLC	SWIGER II	I, JAMES L		
755 MAIN STREET MONROE, CT 06468			ART UNIT PAPER NUMBER			
				3775		
				DATE MAILED: 11/02/2009		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 819 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 819 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)			
		Applicant(s)			
Notice of Allowability	10/731,284	NESPER ET AL.			
Notice of Allowability	Examiner	Art Unit			
	JAMES L. SWIGER	3775			
The MAILING DATE of this communication appeal all claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commits (IGHTS). This application is	n this application. If not included unication will be mailed in due course			
1. X This communication is responsive to <u>notice of appeal filed</u>	on 3/24/2009.				
2. 🔀 The allowed claim(s) is/are <u>1,3,5-18,22 and 24-28</u> .					
 3. Acknowledgment is made of a claim for foreign priority until a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 		or (f).			
Certified copies of the priority documents have	• • • • • • • • • • • • • • • • • • • •				
Copies of the certified copies of the priority do	cuments have been receive	ed in this national stage application fro	om the		
International Bureau (PCT Rule 17.2(a)).					
* Certified copies not received:					
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		e a reply complying with the requirem	ents		
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give			E OF		
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.				
(a) ☐ including changes required by the Notice of Draftspers	son's Patent Drawing Revie	w (PTO-948) attached			
1) ☐ hereto or 2) ☐ to Paper No./Mail Date					
(b) ☐ including changes required by the attached Examiner'Paper No./Mail Date	s Amendment / Comment o	r in the Office action of			
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			of		
 DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT 			ne		
Attachment(s)	E Notice of I	oformal Datant Application			
 Notice of References Cited (PTO-892) D Notice of Draftperson's Patent Drawing Review (PTO-948) 		nformal Patent Application Summary (PTO-413),			
 Information Disclosure Statements (PTO/SB/08), 	Paper No.	/Mail Date <u>20090913</u> . s Amendment/Comment			
Paper No./Mail Date					
 Examiner's Comment Regarding Requirement for Deposit of Biological Material 	8.	8. Examiner's Statement of Reasons for Allowance			
HAMES L COMICED!		·			
/JAMES L. SWIGER/ Examiner, Art Unit 3775	/Thomas C. Ba				
	Supervisory Pa	atent Examiner, Art Unit 3775			